UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/900,964	07/25/97	CAPPELS	R P2106/757

EXAMINER

WM02/1018

CARR DEFILIPPO & FERRELL
2225 EAST BAYSHORE ROAD
SUITE 200
PALO ALTO CA 94303

ART UNIT	PAPER NUMBER
NGUYEN, J	9
2673	

DATE MAILED:
10/18/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Paper No. 29

Application Number: 08/900,964
Filing Date: July 25, 1997
Appellant(s): CAPPELS, RICHARD D.

Richard D. Cappels, Sr.
For Appellant

EXAMINER'S ANSWER

This is in response to appellant's brief on appeal filed on August 2, 2001.

(1) Real Party in Interest

A statement identifying the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) Status of Claims

The statement of the status of the claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Invention

The summary of invention contained in the brief is correct.

(6) Issues

The appellant's statement of the issues in the brief is correct.

(7) Grouping of Claims

The rejection of claims 26-45 stand or fall together because appellant's brief does not include a statement that this grouping of claims does not stand or fall together and reasons in support thereof. See 37 CFR 1.192(c)(7).

(8) Claims Appealed

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) Prior Art of Record

5,570,108	McLaughlin et al.	10-1996
4,733,229	Whitehead	03-1988
5,204,748	Lagoni	04-1993

(10) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 26, 27, 34-37 and 41-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over McLaughlin et al. (USPN: 5,570,108) in view Whitehead (USPN: 4,733,229).

In regard to claims 26, 27, 34, 36, 37, 41 and 43-45, McLaughlin et al. discloses a method and system (as shown in figure 1) for generating a high-luminance viewing window (a window 300, see fig. 11, col. 15, lines 13-22) on a computer display device (a display 16, figure 1) comprising a host computer system (fig. 1) for running an application program (the inventive user interface sofware, col. 15, lines 15-18), a processor device (a processor 11, see fig. 1, col. 14, line 36) for automatically generating a window control signal (control signals, see fig. 1, col. 14, line 37) on link 16E in response to said application program (see col. 14, lines 36-42, col. 15, lines 13-22), and a computer display device (a display 16, figure 1, col. 4, lines 55-66), wherein the computer display device comprises a window generator device (a processor 16C, fig. 1) for receiving the window control signal and for generating a window information signal (as noting in fig. 1 and col. 5, lines 15-21, which disclose the processor 16C receiving control signal from the processor 11 and generating a signal which is provided to display control circuit 16D for controlling the characteristics of the image including the test image in window 300 as disclosed at col. 15, lines 13-22), and a display control device (a control circuitry 16D, see fig. 1, col. 5, line 14) to control the characteristics (including the size, position, brightness and contrast, see col. 3, lines 50-57) of the main window and the high-luminance viewing window (fig. 11; col. 15, lines 13-22), which have two distinct informations, one within and other outside said high-luminance viewing window, and both are displayed on a CRT display screen (display screen 16A, figure 1) in response to window information signal from manual controls 16B or from the window generator 16C (col. 5, lines 10-28 and lines 52-66). McLaughlin et al. further teaches the

display device (16) receiving video signal (video data including image and/or text data, col. 5, lines 59-64) from the video board 20 under control of processor (11), but McLaughlin et al. does not disclose expressly the control circuit (16D) receiving such video signal and processing the received video signal in response to said window information signal to generate high-luminance viewing window.

However, Whitehead discloses a system for generating selected hightlight area on a CRT display screen comprising a window generator device (the highlight selector 38 shown in figure 2 and detailed in figure 4, comprising 52, 54, 56, 58 and 60) for receiving a window control signal (a signal provided by a connection from a highlight operator controls) generated by a highlight operator control (element 15 as shown in figure 2, or elements 16 and 18 as shown in figure 4) and for generating a window information signal (a highlight select signal, i.e., output of an AND gate 60, see fig. 4), and a display control device (a device including 32, 68 and 70, see fig. 4), including a video amplifier (68), for receiving an input video signal (Whitehead discloses as noting figure 1 which shows the image come from the scanning device 22 and stored in the image memory, and Whitehead further teaches as noting figure 6 and col. 7, lines 11-28, which discloses the image is a video signal 84), processing said received video signal responsive to the window information signal to generate said high-luminance window and providing a processed video signal to a CRT computer display screen (figures 2 and 4, column 4, lines 22-37, column 6, lines 18-63). Whitehead also teaches two distinct informations, one stored in a look-up table 25 and displayed within the high-luminance viewing window (20) and other as a background image stored in look-up table 23 and displayed outside of said high-luminance viewing window (figures 1 and 4, col. 6, lines 35-52).

McLaughlin et al. and Whitehead are analogous art because they are from the same field of endeavor, that is the computer art.

At the time this invention, it would have been obvious to one of ordinary skill in this art to substitute Whitehead's the window generator device and the control display device for the window generator device and the control display device of McLaughlin et al. because this would allow the operator adjusting the brightness and/or contrast of the selected highlight area and/or the background image independently, as taught by Whitehead (see abstract).

Therefore, it would have been obvious to combine Whitehead with McLaughlin et al. to obtain the invention as specified in claims above.

In regard to claims 35 and 42 as applied respectively to claims 26 and 36 above, McLaughlin et al. further teaches the display device (16) receiving video signal (video data including image and/or text data, col. 5, lines 59-64) from the video board 20 under control of processor (11). Whitehead further teaches the computer display device receiving the input video signal (80) which includes the horizontal and vertical synchronization signals (synchronizing signals 86, fig. 6, col. 6, lines 30-32) and the video signal (84) (col. 7, lines 15-17). Furthermore, the host computer providing the horizontal and vertical synchronization signals together with the video signal to a computer display device via a cable is well-known to a person of ordinary skill in the art. Therefore, one skilled in the art would recognize that McLaughlin et al. in view of Whitehead obvioulsy discloses the claimed invention as specified in claims above. These claims are therefore rejected for the reason as set forth above.

Claims 28-33 and 38-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over McLaughlin et al. in view Whitehead and further in view of Lagoni (USPN: 5,204,748).

In regard to claims 28-33 and 38-40 as applied to claims 26 and 36 above, as discussed above, Whitehead discloses the display control device including a video amplifier (68) (figure 4), and McLaughlin et al. discloses the window control signal providing information related to size and position of viewing window (col. 3, lines 47-56) and the computer display device receiving window control signals from the processor 11 (or the host computer) and adjusting the electron guns within display screen in response to the window control signals by passing the window information, which is derived from the window control signal, to the display control circuit (col. 5, lines 10-28). Whitehead further discloses the window information signal being passed to a Gain Select circuit (70) of the display control device for increasing the brightness of the highlighted area (col. 6, lines 49-52). Accordingly, McLaughlin et al. in view of Whitehead discloses the claimed invention except for the claimed automatic beam limiter and the claimed high voltage power supply.

However, Lagoni teaches a method an an apparatus for displaying a sub-window on a main window on a display device (column 1, lines 7-11), wherein the sub-window is not isolated from the influence of the main picture but rather has a specific relationship in that the sub-window may have a different luminance (figure 2, summary), and the display device comprises a high voltage power supply (29) for providing a high voltage signal to an anode of said CRT device (figs. 1-2, col. 5, lines 27-32), and an automatic beam limiter (a circuit including BCL section 41, BCL switch section 53, white peak detector 49, auxiliary contrast filter 63, main contrast filter 33 and threshold comparator 50, see fig. 2) for sampling the current of said high voltage signal to automatically determine when to limit said signal (col. 1, lines 26-49, and col. 7, line 56 – col. 8, line 36). Lagoni further teaches that a PIP processor (5) as a window generator

device receives a window control signal (a PIP control signal generated by the receiver control 7, see fig. 2) and generates a window information signal (FS) to the ABL (col. 6, lines 53-59), and the ABL provides an analog window signal (an output of BCL section 41 being provided to the brightness filter section 39, see fig. 2, col. 1, lines 39-44) to control the gain of a video amplifier (a combination of 9-11, 13, 15, 17 and 39) (see column 6, line 48 - column 7, line 55).

Lagoni, McLaughlin et al. and Whitehead are analogous art because they are from the same field of endeavor, that is the computer art.

At the time this invention, it would have been obvious to one of ordinary skill in this art to provide Lagoni's high voltage power supply and ABL in the system of McLaughlin et al. in view of Whitehead because this would provide a system for generating high-luminance viewing window, which is not isolated from the influence of the main picture but rather has a specific relationship in that the sub-window has a higher luminance (see col. 2, lines 44-49).

Therefore, it would have been obvious to combine Lagoni and Whitehead with McLaughlin et al. to obtain the invention as specified in claims above.

(11) Response to Argument

Appellant states that McLaughlin et al. does not teach the "means for applying a processed video to a computer display screen to generate said high luminance window" of claim 45, page 16, lines 5-8, and the "video amplifier" of claim 37, page 16, lines 18-20, examiner disagrees with those since Whitehead teaches such recitations, i.e., a display control device including a video amplifier (68), for receiving an input video signal and processing said received video signal responsive to the window information signal to generate said high-luminance

window and providing a processed video signal to a CRT computer display screen (see the rejection above).

Appellant states that McLaughlin et al. does not teach the "horizontal and vertical signals" of claims 35 and 42, page 16, lines20-22, examiner disagrees with that since McLaughlin et al. teaches the display device receiving video signal and Whitehead teaches the the input video signal including the horizontal and vertical synchronization signals. Furthermore, the host computer providing the horizontal and vertical synchronization signals together with the video signal to a computer display device via a cable is well-known to a person of ordinary skill in the art. Therefore, McLaughlin et al. in view of Whitehead implicitly teaches such recitation (see the rejection above).

Appellant states that examiner has not shown any element of McLaughlin et al. that clearly corresponds to the window generator 326 by receiving a window control signal and using it to generate a window information signal, as claimed, page 17, lines 1-4, as discussed above, examiner indicates McLaughlin et al.'s a processor 16C corresponding to the window generator 326 by receiving a window control signal and using it to generate a window information signal (see the rejection above, page 3, lines 11-16).

Appellant states that it is not clear which element of McLaughlin et al. generates a window control signal based on an application program it is running and then sends that signal to McLaughlin et al.'s processor 16C, page 17, lines 20-23, as discussed above, McLaughlin et al.'s processor 11 corresponds to such elements (see the rejection above, page 3, lines 7-9).

Appellant states that there is no description of control circuit 16D (of McLaughlin et al.) receiving both a video signal and a window information signal, as recited in independent claims

26, 36, 43 and 45, page 19, lines 7-10, examiner disagrees since as discussed above, such recitation is taught by Whitehead (see the rejection above).

Appellant states that there is no discussion of processor 16C being in any way dedicated to generating windows or being a window generator, page 19, last line thru page 20, line 2, please see the detailed rejection above.

Appellant states that although there are two boxes containg images, one labelled 300 and the other unlabelled, there is no clear indication that the images in the two boxes are different, page 20, lines 10-11, examiner disagrees since the main window also includes a vertical tool bar (located on the upper left of the main window) which is at least not shown in the test window 300 (see the rejection above).

Appellant states that the set of subclasses of search, the U.S. classification, and the International classifications of Whitehead and McLaughlin et al. do not have any overlap, page 24, lines 6-7, examiner disagrees since class 340 was obsolete and replaced by class 345. Accordingly, they are in the same field of search.

Appellant states that the only examples of a medical picture given by Whitehead are X-rays and ultrasound scans, which are black and white or gray scale images, unlike McLaughlin et al. and the Appellant's disclosed invention, which are typically color displays, examiner disagrees since the color display is not recited in any claims, and Whitehead further teaches Whitehead's invention can be used to process and to improve, in a real time, information which is in a video format (col. 7, lines 11-17, see the rejection above).

Appellant states that the three references of Lagoni, Whitehead and McLaughlin et al. are non analogous art since they have different fields of search, page 34, lines 11-15, examiner

disagrees since classifications of Whitehead and McLaughlin et al. have the common class 345, as discussed above, and classifications of McLaughlin et al. and Lagoni have the common class 358.

Appellant states that the systems of Whitehead and McLaughlin et al. both mention computers and displays and the system of Lagoni mentions a television, they are no more from the same field of endeavor, page 38, lines 18-23, examiner disagrees since Lagoni also teaches the invention concerning a beam current limiting arrangement for a monitor (see field of the invention). Further, the display devices in the three references are the same type which is a cathode ray tube (CRT). Accordingly, one skilled in the art would recognize the three references are analogous art.

In summary, the rejections based on the applied prior arts are proper.

Respectfully submitted,

JIMMY H. NGUYEN

JHN
October 16, 2001

CARR DEFILIPPO & FERRELL
2225 EAST BAYSHORE ROAD
SUITE 200
PALO ALTO, CA 94303

CONFEREE

MARK ZIMMERMAN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

BIPIN SHALWALA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600